

## Minutes – June 11, 2015

The following members of the Board were present at the County Commissioners' Meeting Room, Charles County Government Building, for a regular hearing of the Board of License Commissioners: Pamela Smith, Chairman, William B. Young, Vice Chairman, Guy N. Black, Thomasina Coates and Steve Lowe. Also appearing in support of the Board were M/Cpl. Judith Thompson, Inspector Greg Kiesel, Associate County Attorney Matthew Clagett, and Lisa Bailey, Clerk/Recording Secretary.

1. Upon a motion made, duly seconded and unanimously carried, the following temporary alcoholic beverage license applications were approved:

Charles County Chamber of Commerce, by Betsy Burian, Executive Director. Appearing on behalf of the applicant was Dee Hancock, for a 1-day temporary alcoholic beverage license to sell/serve BWL, inside Ferguson Bath, Kitchen & Lighting Gallery, 1072 DeMarr Road, White Plains, on July 9, 2015 from 5:30 to 7:30 p.m. for their July Chamber Monthly Mixer with approx. 100 people expected to attend.

School of Outreach Liberal Arts & Recreation, by Wanda Smith Battle. Also appearing was Lafayette Williams, for a 1-day temporary alcoholic beverage license to sell/serve BWL, inside The Culture Center, 109 Post Office Road, Waldorf, on July 18, 2015 from 9:00 p.m. to 2:00 a.m. for a fundraiser with approx.. 500 people expected to attend.

Charles Regional Medical Center Foundation, by Leigh Falkler & Susan Vogel, for a 1-day temporary alcoholic beverage license to sell/serve BWL, outside at the Port Tobacco Courthouse, on September 19, 2015 (rain date 9/26) from 5:00 to 10:00 p.m. for a fundraiser with approx. 1,000 people expected to attend.

2. The clerk advised that Charity Carrousel, Inc., by Kathryn H. Weaver initially approached the Board in response to their Temporary Use Permit which indicated that they were participating in the Charles County Food and Wine Festival (not associated with Charles County government), and needed a 1-day temporary alcoholic beverage license to sell/serve Beer, Wine & Liquor, in a defined area at the Blue Crabs Stadium Facility, on August 8, 2015 from 11:00 AM to 6:00 p.m., with approx. 3,000 people expected to attend. After discussion with the clerk, the permit application was deemed moot as the event is to be conducted in accordance with a proposal by the Charles County Beer & Wine Festival, and including a letter from the Stadium which indicated their consent to the undertakings of the Charles County Wine & Beer Festival. Wine vendors will be located on the field area, and the participating wineries will provide copies their Off-Site Permits for the event. The 1-day event location is to be defined as proposed area Plan A or Plan B – indicating the “field area” inside the stadium. The Centerplate Stadium license will continue to encompass the stands, VIP lounge, and concourse of the Stadium.

3. Jules Fajans, Carrie A. Wright, The Rivah, Inc., t/a The Rivah, 12364 Neale Sound Drive, Cobb Island, Maryland 20625, appeared for a modification of their Open Air Special Exception Consent Order to allow the licensee to serve alcoholic beverages from an existing outside bar

constructed within the previously approved outside area. Upon a motion duly made, seconded and unanimously carried, the Board approved the amendment to their Consent Order allowing for use of the previously constructed outside bar area.

4. James J. Gorney, Darren Scott Hubbard, Nicholas Biello, V.S.I. of Maryland, Inc., t/a Centerplate, 5375 Piney Church Road, Waldorf, Maryland 20602, appeared for a 1-day Special Exception to expand their licensed premises to include a defined outside area on July 4, 2015, as presented in their written request dated May 29, 2015. Counsel to the licensee was Leanne Schrecengost, Esq. Upon consideration of the testimony and evidence presented, including testimony that they intend to utilize TIPs approved bartenders, the use of a perimeter barrier, 100% carding policy, and that this is a family event; and, upon a motion duly made, seconded and unanimously carried, the Board approved this proposal 1-day special exception.

5. Paul J. Bales, Culinary Concepts, L.L.C., t/a Casey Jones Restaurant, 417 East Charles Street, LaPlata, Maryland 20646, appeared for a 1-day Special Exception to expand their licensed premises to include a defined outside area on Saturday, October 3, 2015, for Rocktoberfest 2015, as presented in their written request dated June 3, 2015. Upon consideration of the testimony and evidence presented, including testimony that Casey Jones is partnering with the Town of La Plata and the La Plata Business Association for the event, that they have applied for all necessary permits through the Town of LaPlata, and will maintain appropriate pedestrian safe guards; and, upon a motion duly made, seconded and unanimously carried, the Board approved this proposal 1-day special exception.

#### **10:15 A.M. Transfers/New License Applications**

1. Abhi Aggarwal, Pooja & Payal, LLC, t/a 925 Liquors, 2795 Old Washington Road, Waldorf, Maryland 20601, appeared for a transfer of the Class D – Beer, Wine & Liquor (on/off sale) alcoholic beverage license from Atul Patel, Jeffrey Bowie, Pooja & Payal, LLC, t/a 925 Liquors, 2795 Old Washington Road, Waldorf, Maryland 20601. Counsel to the applicant was David J. Martinez, Esquire. Testimony was presented by the applicant as to the facts contained in the application. Abhi Aggarwal is the sole managing member, meets the residency requirements and holds a 95% interest in Pooja & Payal, LLC. The remaining 5% interest is held by Jaymin Pandya. Mr. Aggarwal will manage the day-to-day operation of the business and intends to initially have just two employees. The Board cautioned the licensees as to compliance with alcoholic beverage laws and the Board's rules and regulations and recommended alcohol management certification for those employees involved in the sales/service of alcoholic beverages. No further change in the operation of the business is anticipated. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board approved the transfer contingent upon payment of the appropriate transfer fee within 45 days.

2. Jennifer L. Stewart, Gary L. Vance, Zee Best Café Too, LLC, t/a Zee Best Café, 8760 Hawthorne Road, La Plata, Maryland 20646, appeared for a transfer of the Class B/RB (Restaurant/Bar) Beer, Wine, Liquor (on sale only) alcoholic beverage license issued to Patrick

Joseph Wilson, St. Babe's Tavern on the Green, Inc., t/a St. Babe's Tavern on the Green, 8760 Hawthorne Road, LaPlata, Maryland 20646. Counsel to the applicant was Isaac McAdams, Esq. Testimony was presented by the applicants as to the facts contained in the application. Both Jennifer Stewart and Gary Vance serve as managing members, meet the residency requirements, and each holds a 50% interest in Zee Best Café Too, LLC, and will manage the day-to-day operation of the business. The Board cautioned the licensees as to compliance with alcoholic beverage laws and the Board's rules and regulations and recommended alcohol management certification for those employees involved in the sales/service of alcoholic beverages. No further change in the operation of the business is anticipated. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board approved the transfer contingent upon filing of a current Health Permit, Maryland Sales Tax Identification number, satisfaction of all outstanding issues with the Maryland Comptroller, and payment of the appropriate transfer fee within 45 days.

3. Joseph Stephen Thume, Peggy Joyce Thume, Fuego's Latin Grill, LLC, t/a Fuego's Latin Grill, 11481 Berry Road, Waldorf, Maryland 20603, appeared for a new Class B/RB (Restaurant/Bar) Beer, Wine & Liquor (on sale only) alcoholic beverages license. Counsel to the applicant was Matthew Gorman, Esq. Testimony was presented by the applicant as to the facts contained in the application. Both Joseph Stephen Thume and Peggy Joyce Thume serve as managing members of Fuego's Latin Grill, LLC, with Joseph Thume holding a 30% interest, and Peggy Thume holding a 20% interest in the LLC. Peggy Joyce Thume serves as resident licensee. Regular members named are Grace Thume holding a 30% interest, and Aide Cisnero holding the final 20% interest. Testimony was presented that this is a family owned/operated restaurant type business which has been opened since December, 2014. The applicants anticipate that the granting of the alcoholic beverages license will be an accommodation to the public as there has been a need established by the patrons. The applicants further testified that they may wish to offer light entertainment at some point in the future and would advise the Board. The Board cautioned the licensees as to compliance with alcoholic beverages laws and the Board's rules and regulations and recommended alcohol management certification for those employees involved in the sales/service of alcoholic beverages. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board approved the application for a new Class B/RB (Restaurant/Bar) Beer, Wine & Liquor (on sale only) alcoholic beverage license issued to Joseph Stephen Thume, Peggy Joyce Thume, Fuego's Latin Grill, LLC, t/a Fuego's Latin Grill, 11481 Berry Road, Waldorf, Maryland 20603, contingent upon satisfaction of outstanding issues with the Comptroller and payment of the annual license fee within 30 days.

4. Show Cause In the Matter of the Class D – BW (on/off sale) L (off sale only) alcoholic beverage license issued to Sarwan Singh, Charles Street Liquors, LLC, t/a La Plata Liquors, 503 East Charles Street, La Plata, MD 20646, alleging service to an Approved Underage Person, on February 13, 2015. Counsel to the licensee was Hammad Matin, Esq. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board found the licensee and server in violation and ordered that the alcoholic beverage license be suspended for a period of three days, with all three days held in abeyance for three years from the date of this hearing; and that the licensee be fined

Seven Hundred Fifty Dollars (\$750.00); and, that the server, Rashbal Singh, be fined One Hundred Dollars (\$100.00), each made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 14 days of the date of the written Order.

5. Amended Show Cause In the Matter of the Class H – Beer & Wine (on sale only) alcoholic beverage license issued to John Mudd, Jr., Meredith Schaefermeyer, The Noodle Shop, Co. – Charles County, Inc., t/a Noodles & Company, 3055 Waldorf Marketplace #40, Waldorf, MD 20603, alleging service to an Approved Underage Person on February 13, 2015. Counsel to the licensee was David Mister, Esq. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board found the licensee and two servers in violation and ordered that the alcoholic beverage license be suspended for a period of three days, with all three days held in abeyance for three years from the date of this hearing; and that the licensee be fined Five Hundred Dollars (\$500.00); and, that the server, Lawrence Harry Evans, be fined Fifty Dollars (\$50.00); and that the server, Jeremy Lee Staples, be fined One Hundred Dollars (\$100.00), each made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 14 days of the date of the written Order.

6. Show Cause in the Matter of the Class B/RB (Rest/Bar) Beer, Wine & Liquor (on sale only) alcoholic beverage license issued to Ethel V. Haley, Jacob B. Gilyeat, Bowler's Choice Restaurant, Inc., t/a Bowler's Choice Restaurant, 11920 Acton Lane, Waldorf, Maryland 20601. Counsel to the licensee was Douglas C. Meister, Esq. This matter is rescheduled to August 13, 2015.

7. Show Cause in the Matter of the Class B/BLX – Beer, Wine & Liquor (on sale only) Luxury Restaurant alcoholic beverage license issued to Jeffrey A. Ziccardi, Makeba Gibbs, Texas Roadhouse Holdings, LLC, t/a Texas Roadhouse, 103 Drury Drive, La Plata, Maryland 20646. Counsel to the licensee was Leanne Schrecengost. At the request of the licensee this matter was rescheduled to August 13, 2015. One day prior to the hearing the Clerk notified the alleged server, Sharon Salas Chaddock that the matter had been rescheduled. Ms. Chaddock requested that her portion of the case go forward at this hearing. The Clerk called the case, Ms. Chaddock was present and the clerk explained the circumstances. Counsel to the Board Matthew Clagett opposed going forward with half of the case and urged the Board to continue the entire matter to a later date. The Board agreed and will recall this matter August 13, 2015.

8. Show Cause in the Matter of the D – Beer, Wine & Liquor (on/off sale) alcoholic beverage license issued to Tony Lee Graham, Terrance Andrew White, Michele Maureen Alley, NWTG, Inc., t/a The Prime Street Grille, 4680 Crain Highway, White Plains, Maryland 20695, alleging service to an Approved Underage Person on April 4, 2015. Counsel to the licensee was Hammad S. Matin, Esq. Upon consideration of the testimony and evidence presented the Board found the licensee and server in violation, and upon a motion duly made, seconded and unanimously carried, the Board ordered that the alcoholic beverage license be suspended for a period of three days, with all three days held in abeyance for three years from the date of this hearing; and that the licensee be fined Five Hundred Dollars (\$500.00); and that the server, LaToya Cherrese Hunt, be fined Fifty Dollars (\$50.00); each fine made payable to the Charles

County Treasurer and delivered to the Board of License Commissioners within 14 days from the date of the written Order.

9. Show Cause in the Matter of the Class D – Beer, Wine (on/off sale) Liquor (off sale only) alcoholic beverage license issued to Heidi Aldous Fick, t/a Ironsides Store, 6130 Port Tobacco Road, Ironsides, Maryland 20643, alleging service to an Approved Underage Person on April 10, 2015. Counsel to the licensee was Hammad Matin, Esq. In consideration of the testimony and evidence presented the Board found the licensee and server in violation, and upon a motion duly made, seconded and unanimously carried, the Board ordered that the alcoholic beverage license be suspended for a period of three days, with all three days held in abeyance for three years from the date of this hearing; and that the licensee be fined Five Hundred Dollars (\$500.00); and that the server, Emma Dixon Hart, be fined Fifty Dollars (\$50.00); each made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 14 days of the date of the written Order.

10. Show Cause in the Matter of the Class B/BLX – Beer, Wine & Liquor (on sale only) Luxury Restaurant issued to Thomas Avallone, Mary Kathryn Faber, BUCA (SPGGROUP), LLC, a Florida LLC, t/a Buca Di Beppo, 11110 Mall Circle Drive, Room G01-A, Waldorf, Maryland 20603, alleging service to an Approved Underage Person on April 10, 2015. Counsel to the licensee was Leanne Schrecengost, Esq. In consideration of the testimony and evidence presented, the Board found the licensee and server in violation, and upon a motion duly made, seconded and unanimously carried, the Board ordered that the alcoholic beverage license be suspended for a period of three days, with one of the three days held in abeyance for three years from the date of this hearing, with remaining two day suspension beginning at opening of business on Monday, June 15, 2015 and ending at close of business on Tuesday, June 16, 2015. The Board further ordered that the licensee be fined Seven Hundred Fifty Dollars (\$750.00); and that the server, Edita Rowena Hynson, be fined Fifty Dollars (\$50.00); each made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 14 days of the date of the written order.

11. Show Cause in the Matter of the Class A – Beer, Wine & Liquor (off sale only) Package Goods alcoholic beverage license issued to Charanjit K. Singh, Robert D. Ryan, Three Nines, Inc., t/a Willett's Discount Liquor & Deli, 10573 Theodore Green Blvd., White Plains, Maryland 20695, alleging service to an Approved Underage Person on April 16, 2015. Counsel to the licensee was David Martinez, Esquire. In consideration of the testimony and evidence presented, the Board found the licensee in violation of a subsequent offense and the server in violation of this offense. Upon a motion duly made, seconded and unanimously carried, the Board ordered that the alcoholic beverage license be suspended for a period of two days, said suspension previously assessed and held in abeyance from an offense which was adjudicated before the Board of License Commissioners on February 27, 2014; the two day suspension to begin at opening of business on Monday, June 22, 2015 and ending at close of business on Tuesday, June 23, 2015; and that the alcoholic beverage license be further suspended for a period of three days, all three of which are to be held in abeyance for three years from the date of the June 11, 2015 hearing. The Board also ordered that the licensee be fined Two Thousand Dollars (\$2,000.00); and that the server, Anil Kumar Pallabothula, be fined One

Hundred Dollars (\$100.00); each made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 14 days of the date of the written Order.

12. Show Cause in the Matter of the Class B/H (Hotel) Beer, Wine & Liquor (on sale only) alcoholic beverage license issued to Michael Wells, Jay Shah, Neil Amin, St. Charles Hotel Operating, LLC, t/a Hilton Garden Inn, 10385 O'Donnell Place, Waldorf, Maryland 20603, alleging service to an Approved Underage Person on April 17, 2015. In consideration of the testimony and evidence presented the Board found the licensee and server in violation and upon a motion duly made, seconded and unanimously carried, the Board ordered that the alcoholic beverage license be suspended for a period of three days, all three of which are to be held in abeyance for three years from the date of the June 11, 2015 hearing. The Board further ordered that the licensee be fined Seven Hundred Fifty Dollars (\$750.00); and that the server, Michael Rayphield Carr, Jr., be fined Fifty Dollars (\$50.00); each made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 14 days of the date of the written Order.

13. In the matter of the Class B/R Beer, Wine & Liquor (on sale only) alcoholic beverage license issued to Kobe Seafood Hibachi, LLC, the clerk advised that Yan Yun Zhao submitted his resignation and transfer of 30% interest to Yan Dan Li (continuing officer). The alcoholic beverage license will now be held by Tak Yan Cheng (Resident Licensee), and Yan Dan Li, Kobe Seafood Hibachi, LLC, t/a Kobe Japanese Grill, 171 Smallwood Village, Waldorf, Maryland 20601.

14. The clerk submitted the written request from Nicholas Ferrante, Jr., Mary M. Ferrante, Carrington Center Market, Inc., t/a Nick's of Clinton, 3953 St. Charles Parkway, Waldorf, Maryland 20602, to amend their existing Class A – Beer Wine, Liquor (off sale only) Package Goods alcoholic beverage license to allow for a “Refillable Container Permit” the authority for which is set forth in H.B. 756/ Chapt. 273 – Alcoholic Beverages – Charles County and Queen Anne’s County. The clerk submitted a proposed application for the Board’s review. Upon a motion duly made, seconded and unanimously carried, the Board approved the application and declined to adopt any additional regulations at this time.

15. M/Cpl. Judith Thompson advised that four compliance checks were conducted since the last hearing, with the following 3 establishments having passed: Aqualand Campground Store, Newburg; Grinder’s Seafood, Indian Head; and, The All American Steakhouse, Waldorf.

16. Upon a motion duly made, seconded and unanimously carried, the Board approved the April 9, 2015 Minutes as presented.

With no further business the meeting adjourned at 4:35 p.m.